

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROYCE GOODSON,

Plaintiff,

v.

**CITY OF MONTGOMERY,
WILLIAM J. KOTLAN, AND
JOHN FOX**

Defendants.

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CIVIL ACTION _____

DEFENDANTS' NOTICE OF REMOVAL TO FEDERAL COURT

1. Defendants City of Montgomery, Texas, William J. Kotlan, and John Fox, Defendants in this civil action, file this Notice of Removal under authority of 28 U.S.C. §§ 1441 (a) and 1446 (a) and (b).

I.

Identity of State Court Action Being Removed

2. The civil action being removed was initiated in the 284th Judicial District of Montgomery County, Texas, and was assigned docket number 13-07-07934-CV. A Jury Trial was demanded.

II.

Basis for Removal

3. Plaintiff's Original Petition (the "Petition"), was filed on July 26, 2013, served on Defendants City Montgomery and Mayor John Fox on August 26, 2013

and served on Defendant William Kotlan on August 29, 2013. Plaintiff alleges that the actions of the Defendants violated the Plaintiff's due process rights under the United States Constitution. *See Plaintiffs' Original Petition ¶¶ 1.*

III. Jurisdiction

4. This Court has original jurisdiction of this action under 28 U.S.C. §§ 1331 (federal question) and 1343 (civil rights) because the Plaintiff has alleged violations of the United States Constitution and has asserted claims for recovery under federal law.

IV. Venue

5. Venue is proper in this district and division under 28 U.S.C. § 1441(a) because the state court where the action has been pending is located in Montgomery County, Texas, which is located in this district and division.

V. Removing Defendants Have Complied with Removal Requirements

6. This action is removable under 28 U.S.C. § 1441(a) and (b) and the Defendant's Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b). This notice of removal is being filed within 30 days after the date the Defendants were served with Plaintiff's civil action.

VI.
Attached Documents

7. Pursuant to Local Rule 81 of the Southern District of Texas, Defendants have filed with this notice of removal:

- Exhibit A Index: 1) all executed process, 2) the state court pleadings, 3) all orders signed by the state court judge, 4) no docket sheet has been issued;
- Exhibit B An index of matters being filed,
- Exhibit C A list of all counsel of record
- Exhibit D Consent to Removal by all Defendants.

Respectfully Submitted:

OLSON & OLSON, L.L.P.

By: /s/Brian J. Begle
BRIAN J. BEGLE
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ATTORNEYS FOR DEFENDANTS,

CERTIFICATE OF SERVICE

I hereby certify that on the 12th of September 2013, a true and correct copy of the **Defendants Notice of Removal to Federal Court** and of this certificate will be automatically served on known Filing Users through Notice of Electronic Filing and was sent by certified mail, return receipt requested to the following parties of record.

Eric Yollick
Travis Owens
Post Office Box 7571
The Woodland, Texas 77387

/s/ Brian J. Begle

BRIAN J. BEGLE